# University of Maine MAINE School of Law LAW REVIEW

Volume 23

1971

Copyright 1971 by the University of Maine School of Law 68 High Street, Portland, Maine 04101

# MAINE LAW REVIEW

### BOARD OF EDITORS

Editor-in-chief

STEPHEN P. SUNENBLICK

Managing Editor

RICHARD M. PEIRCE

Articles Editors

CURTIS L. BOURDON

DAVID J. FLETCHER

Notes Editors

JOAN R. GOOD

JOHN M. WHALEN

Staff

RICHARD E. BOYER

PETER J. DETROY

RALPH J. GILLIS

CLIFFORD H. GOODALL

RICHARD A. LANGLEY

RONALD D. RUSSELL

DAVID C. SHONKA

KENNETH E. SNITGER

KAREN R. THURSTON

ROBERT A. WHIDDEN

Contributing Student Authors
PETER BALLOU JOSEPHINE CITRON

Business Manager

WILLIAM S. BROWNELL



Member, National Conference of Law Reviews
Printed at the University of Maine Press.

Published semi-annually by the students of the University of Maine School of Law.

Subscription price \$5.00 per volume, \$3.00 per issue.

# CONTENTS

## Articles

A STATE APPROACH TO EFFLUENT CHARGE	28
Orlando E. Delogu	
THE CONSTITUTIONAL LAW OF REMEDIES IN WELFARE LITIGATION	4
Donald F. Fontaine	
Conservation, Policy, and the Role of Counsel	119
David 1. Halperin	
DE Novo Juries, Misdemeanor Counsel, and Other Problems: Changes Ahead for the Maine District Courts?	63
Pierce B. Hasler	
Security Ins. Group v. Emery: A STEP BACKWARD FOR INTEREST ANALYSIS IN MAINE	345
William F. Julavits	
STATE POWER AND THE PASSAMAQUODDY TRIBE: "A GROSS NATIONAL HYPOCRISY"?	1
Francis J. O'Toole Thomas N. Tureen	
RANSOMING THE MAINE ENVIRONMENT	103
G. Graham Waite	
THE LAW OF THE LAND, DEVELOPMENT LEGISLATION IN MAINE AND VERMONT	315
J. Jackson Walter	
CONSTITUTIONAL DILEMMAS POSED BY STATE POLICIES AGAINST MARINE POLLUTION—THE MAINE EXAMPLE	143
Daniel Wilkes	

### Notes

Beaulieu v. Beaulieu: An Obituary for Lex Loci and an Approach to Interest Analysis	239
Bernier v. State—The Right to Counsel in Entrustment Revocation Proceedings	215
Extending the $\mathit{Smith}\ v.\ \mathit{Hooey}\ Duty\ To\ the\ Holding\ Jurisdiction$	201
Law of Rebuttable Presumptions in Maine	175
MARITIME PERSONAL INJURY IN THE NEW ENGLAND FISHERY	463
PRIVILEGED COMMUNICATIONS: A CASE BY CASE APPROACH	443
RECORD PIRACY AND COPYRIGHT: PRESENT INADEQUACIES AND FUTURE OVERKILL	359
RULE 80B AND NONSTATUTORY JUDICIAL REVIEW OF ADMINISTRATIVE ACTION IN MAINE	419
THE FAIR CREDIT REPORTING ACT	253
Wallace v. Coca-Cola Bottling Plants, Inc.: DEFECTIVE PRODUCTS, EXPANDED LIABILITY, AND THE DEMISE OF THE IMPACT RULE	227
Book Reviews	
AMERICAN FRIENDS SERVICE COMMITTEE: UNCOMMON CONTROVERSY	265
David Getches	
FISHER: SEARCH AND SEIZURE	491
Daniel G. Lilley	
KARLEN: JUDICIAL ADMINISTRATION: THE AMERICAN EXPERIENCE	489
Robert B. Williamson	
WISWALL: THE DEVELOPMENT OF ADMIRALTY JURISDICTION AND PRACTICE SINCE 1800	493
David P. Dawson	
WRIGHT: LAW OF FEDERAL COURTS (2d Ed.)	277
James L. Oakes	

